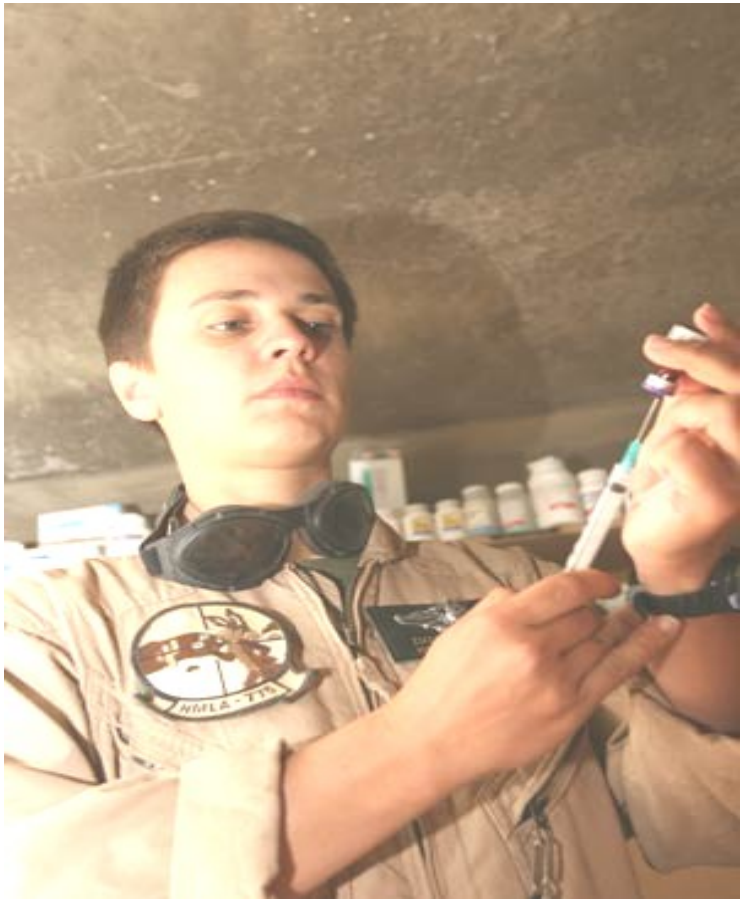
Physical Evaluation Board (PEB)

Naval Hospital

Pensacola FL

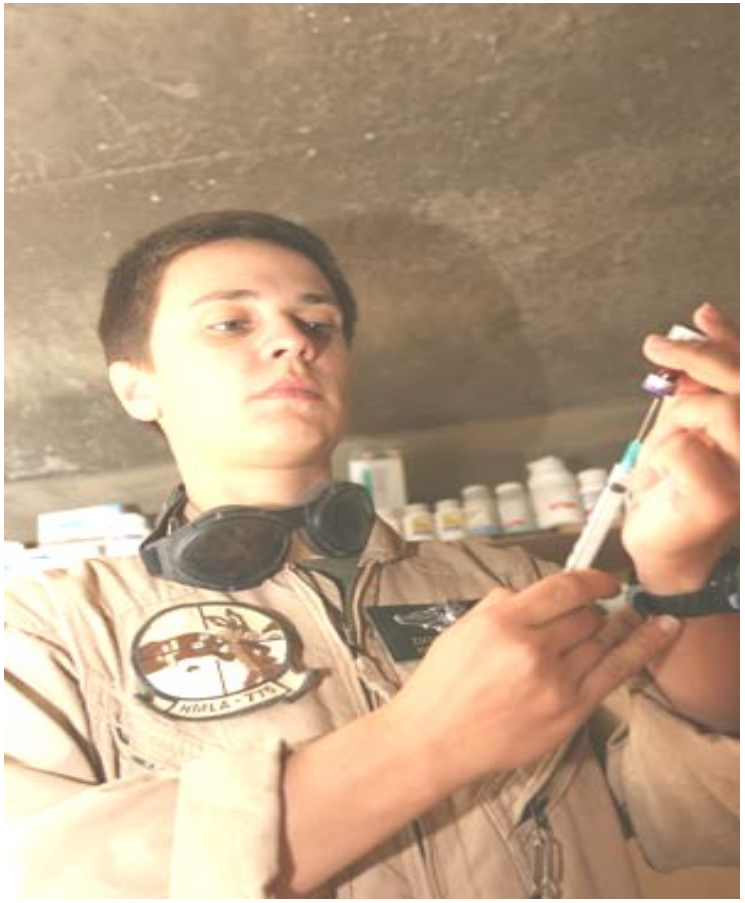
19 Jul 2005



Physical Evaluation Board (PEB)

Naval Hospital Jacksonville FL

21 Jul 2005



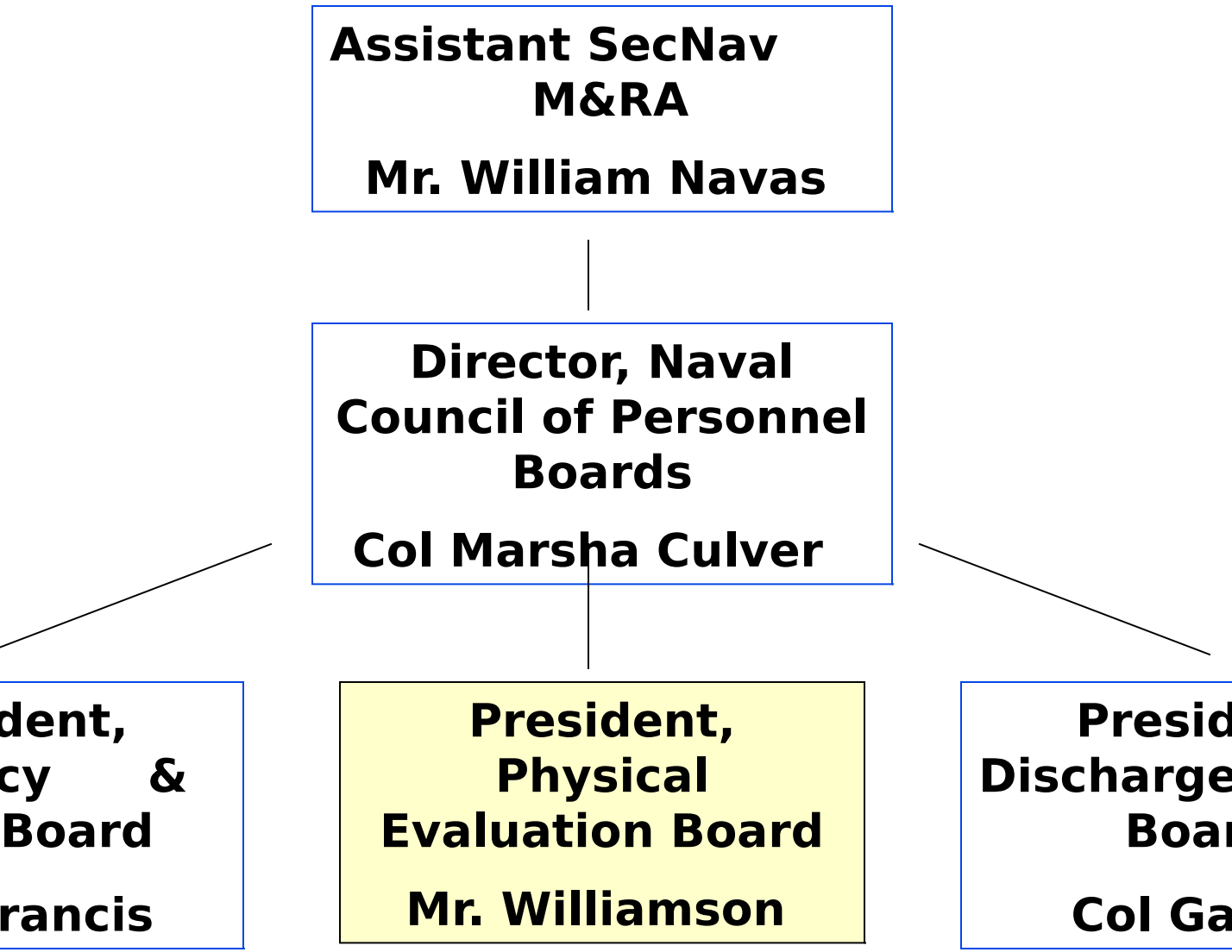
Agenda

- **Overview of the PEB and Line Officer's Perspective:**
  - **Col Marsha Lee Culver**
- **Medical Officer's Perspective:**
  - **Dr. Bob Murphy**

Bottom Line Up-Front

- **Referral to PEB does NOT always spell the end of a career.**
- **Service HQ has final disposition authority.**
- **Performance based system.**
- **A diagnosis MAY NOT be a disability.**
- **CO’s assessment is critical!**

Organization



PEB Mission

- ✓ **Determine a service member's fitness for continued naval service.**

  (FIT or UNFIT)

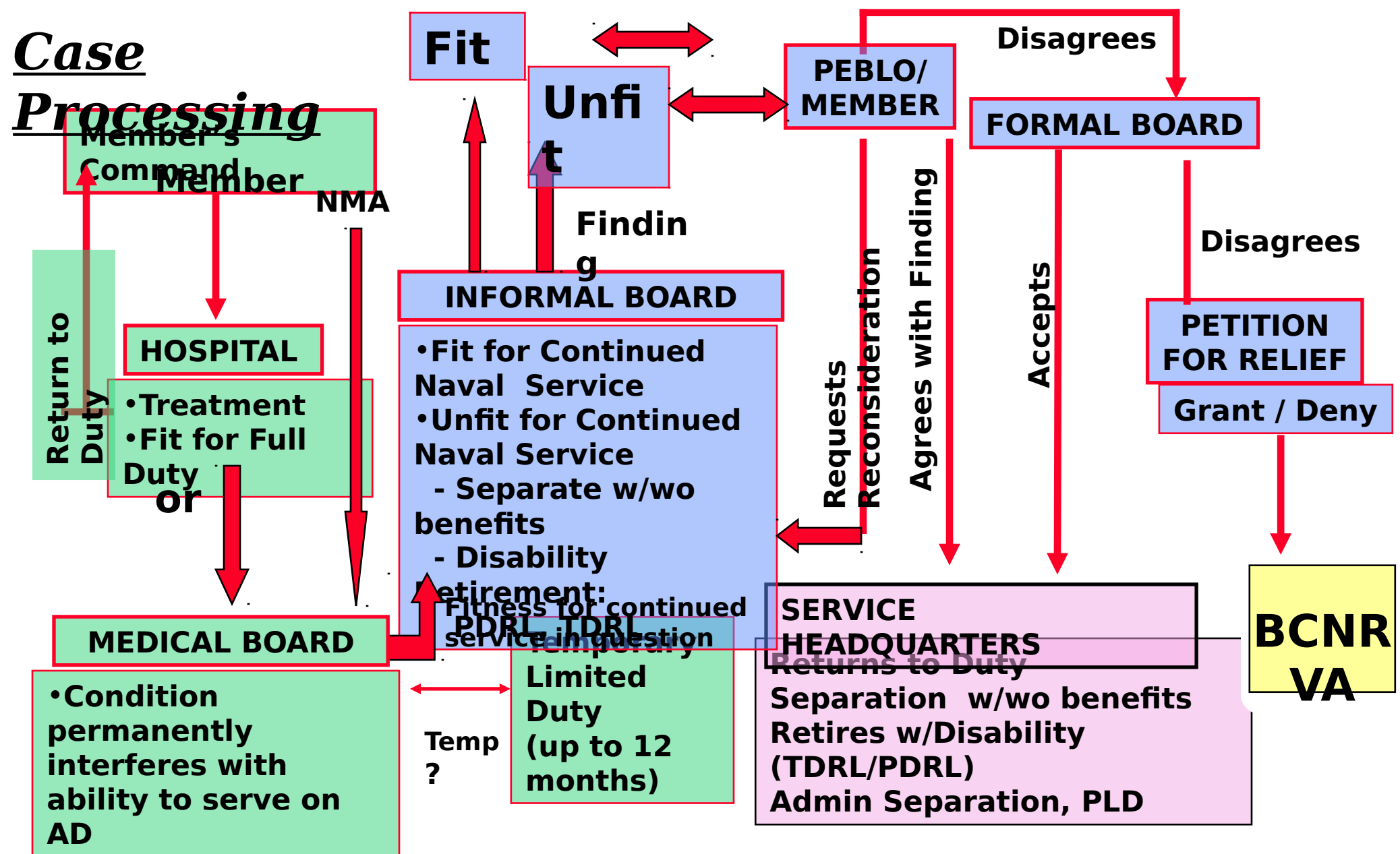
- ✓ **Rate member's whose disabling injury or illness is determined to have been incurred or aggravated while in receipt of basic pay.**

- ✓ **Ensure member's right to a full and fair hearing.**

PEB Liaison Officers (PEBLOs)

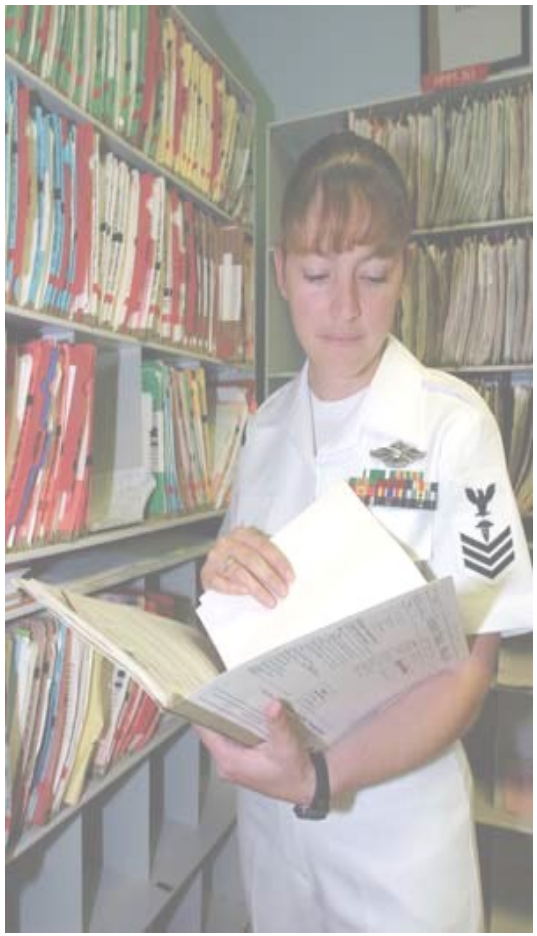
- PEB's field representatives
- Assigned or appointed at each Navy Medical Treatment Facility (MTF)
- Member's point of contact for:
  - PEB findings
    - » Counseling on options (e.g. reconsideration of case, request or demand formal hearing, accept findings)
  - Transition briefs & resource referral

Processing Flow



DoN Disability Evaluation System (DES)

- **The DES (SECNAV Instruction 1850.4E) is a performance-based system!**
  - **The system is designed to provide the member every opportunity to be found "fit" and avoid a medical discharge. (Title 10 USC)**
  - **Can the member do their job?**
    - » **Administrative personnel are viewed differently than infantrymen or mechanics.**
  - **Disabling condition may warrant disability retirement or severance.**



What is “Fit”

- **Fit: Member can reasonably perform duties of their office, grade, rank or rating.**

- **PEB balances impact of member’s diagnoses, via objective medical and performance evidence, against member’s ability to perform duties of office, grade, rank or rating.**

What is Not “Fit”

- **“Fit” does not mean “fit for full duty” or “suitable.” (Suitable means member meets all requirements for an overseas, remote or operational assignment)**

- **Although the PEB determines that a member is fit, he/she may not be able to:**
  - **Pass PFA/PFT**
  - **Deploy**
  - **Serve in Special Duty assignments (flight, parachute, dive, submarine, etc.)**

Administrative Separation

- **Not every diagnosis is a DISABILITY.**
  - **Member's condition does not reach threshold of a disability.**
- **Medical diagnosis may result in member being UNSUITABLE.**
- **ADSEP may be appropriate option for member and command.**
  - **Honorable, general or entry level discharge available**
  - **Separation pay if more than six years**
  - **Member may be eligible for VA benefits**

Disability Pay

(2 x base pay x years of svc *)

- E-3 with 4 years= $13,128
- E-5 with 10 years= $48,432
- E-6 with 12 years= $66,700
- E-9 with 18 years= $104,736
- O-1 with 2 years= $9,756
- O-4 with 16 years= $140,932

disability severance pay ceiling is at 12 years

Medical Evaluation Board Report Referrals to PEB

- An MTF medical board decision.
- Optimal medical benefits have been obtained from treatment and rehab.
- A condition which may permanently interfere with job performance.
- Temporary limited duty expired.

Informal PEB (IPEB)

Records Review

- **Composition:**
  - **One physician (0-5 or 0-6)**
  - **Two line officers (0-5 or 0-6)**
    - **Any combination of Navy and Marine officers**

- **Functions:**
  - **Evaluate fitness for continued naval service**
  - **Validate line of duty determinations**
  - **Assign VA disability rating code(s) and disability percentage**
  - **Make a combat-related determination**
  - **Issue a preliminary findings letter**

IPEB Decision

- **Member found “FIT”.**

or

- **Member found “UNFIT” and awarded a disability % using VASRD.**

  - **Less than 20% separate w/disability severance payment.**

  - **30% or greater rating:**
    - **» Temporary Disability Retired List (TDRL)**

    or

    - **» Permanent Disability Retired List (PDRL)**

Member's Options

- **15 days to accept IPEB decision (execute election of options with PEBLO assist).**

- **Disagree? Request a "reconsideration"**
  - **Must provide new medical information or new information from the commanding officer to the IPEB**
  - **IPEB re-votes**

Member's Options
(cont)

- A Formal PEB may be appropriate
  - "Fit" may request to go to a FPEB
  - "Unfit" can demand an FPEB

Command should track process through unit's LIMDU coordinator

Formal PEB

Member Appears in Person

- **Composition:**
  - **One physician (0-5 or 0-6)**
  - **Two line officers (0-5 or 0-6)**
    - **» Any combination of Navy or Marine officers**
- **A “new look”**
- **Member has an attorney**
  (Navy JAG appointed and/or civilian retained)
- **Provided written rationale for findings**

Formal PEB Decision

- **Member found “FIT”**

or

- **Member found “UNFIT” and awarded a disability percentage using VASRD:**

  - **Less than 20% separate w/disability severance pay**

  - **30% disability or greater:**
    - **Temporary Disability Retired List (TDRL)**

    or

    - **Permanent Disability Retired List (PDRL)**

Petition for Relief

- **Member submits petition to Director, SecNav Council of Review Boards**
  - **New or newly discovered evidence**
  - **Fraud, misrepresentation or other misconduct**
  - **Mistake of law**

- **Still dissatisfied?**
  - **BCNR**

PEB Findings

- **PEB delivers findings and disposition recommendation to Service HQ**

- **Service HQ action:**
  - ✓ **Returns member to duty**
  - ✓ **Separates member with/without benefits**
  - ✓ **Retires member with a disability (TDRL or PDRL)**
  - ✓ **Administratively separates member**
  - ✓ **Retain member on Permanent Limited Duty**

(Unfit members only)

Normal Case Flow

(UNFIT FINDING)

PEB notifies SVC HQ. Mbr & command notified of HQ disposition action. (Day 70)

MTF forwards Medical Evaluation Board Report to PEB

PEB accepts case: (Day 1)

Informal PEB (IPEB) findings issued. (Day 8)

PEBLO informs mbr. Mbr accepts. (Day 65)

Formal PEB considers case. (Day 60)

PEBLO informs mbr of UNFIT findings. Election of options mbr req reconsider. (Day 25)

IPEB reconsiders. No change. PEBLO informs mbr. Mbr demands formal hearing. (Day 30)

Processing Numbers

Permanent Limited Duty (PLD)

- **A Service Headquarters decision**
- **Member found "UNFIT" by the PEB**
- **Member accepts PEB decision**
- **Member requests PLD approval via chain of command**
- **HQ may continue member on active duty**

PEB Line Officer Perspective

- **Non Medical Assessment (NMA) aka Commanding Officer's Assessment is key in this performance based system!**

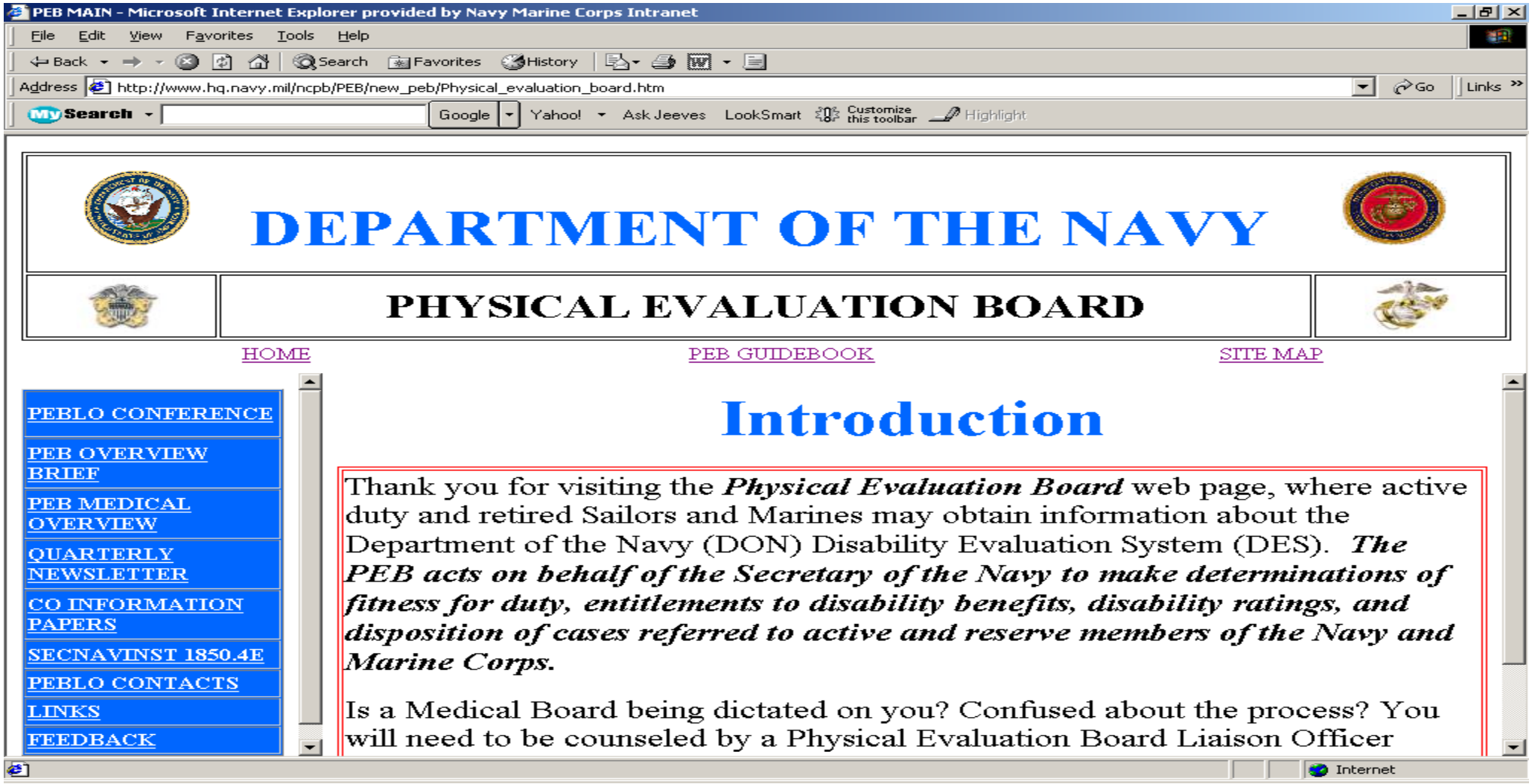
- **Is the GCMCA Line of Duty determination supportable by evidence in LODI?**

- **Do factors surrounding incurrence of illness or injury warrant a "combat related" determination?**

Combat Related

- **Disability payments taxable unless determined to be combat related**
- **Direct causal factor**
- **Four combat related categories:**
  - **Direct result of armed conflict**
  - **Engaged in extra hazardous service**
  - **Conditions simulating war**
  - **Caused by instrumentality of war**

PEB Website


PEB MAIN - Microsoft Internet Explorer provided by Navy Marine Corps Intranet
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PHYSICAL EVALUATION BOARD
HOME
PEB GUIDEBOOK
SITE MAP
PEBLO CONFERENCE
PEB OVERVIEW BRIEF
PEB MEDICAL OVERVIEW
QUARTERLY NEWSLETTER
CO INFORMATION PAPERS
SECNAVINST 1850.4E
PEBLO CONTACTS
LINKS
FEEDBACK
Introduction
Thank you for visiting the Physical Evaluation Board web page, where active duty and retired Sailors and Marines may obtain information about the Department of the Navy (DON) Disability Evaluation System (DES). The PEB acts on behalf of the Secretary of the Navy to make determinations of fitness for duty, entitlements to disability benefits, disability ratings, and disposition of cases referred to active and reserve members of the Navy and Marine Corps.
Is a Medical Board being dictated on you? Confused about the process? You will need to be counseled by a Physical Evaluation Board Liaison Officer
Internet

Questions ?

DEPARTMENT OF THE NAVY
UNITED STATES OF AMERICA

DEPARTMENT OF THE NAVY
UNITED STATES MARINE CORPS